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ALTA BATES SUMMIT MEDICAL CENTER,

8 RUSSELL D. STANTEN, M.D., LEIGH I.G.

IVERSON, M.D., STEVEN A. STANTEN, M.D., and

9 WILLIAM M. ISENBERG, M.D., Ph.D.

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12
13 COYNESS L. ENNIX, JR., M.D., as an
14 individual and in his representative capacity
under Business & Professions Code Section
17200 et seq.,

15 Plaintiff,

16 v.

17 RUSSELL D. STANTEN, M.D., LEIGH I.G.
18 IVERSON, M.D., STEVEN A. STANTEN,
M.D., WILLIAM M. ISENBERG, M.D.,
19 Ph.D., ALTA BATES SUMMIT MEDICAL
CENTER and does 1 through 100,

20 Defendants.
21

CASE NO. C 07-2486 WHA

**DEFENDANTS' SECOND
REQUEST FOR JUDICIAL
NOTICE**

DATE: August 16, 2007

TIME: 8:00 a.m.

DEPT: Ctrm. 9, 19th Flr.

JUDGE: Hon. William H. Alsup

COMPLAINT FILED: May 9, 2007

TRIAL DATE: No date set.

22 Defendants Alta Bates Summit Medical Center; Russell D. Stanten, M.D.;
23 Leigh I.G. Iverson, M.D.; Steven A. Stanten, M.D.; and William M. Isenberg, M.D., Ph.D.
24 hereby request that the Court take judicial notice of the following documents pursuant to
25 Federal Rule of Evidence 201:

26 **Exhibit A:** The legislative history for S.B. 1325, the 2003 amendments
27 to California Business and Professions Code section 2282.5, including version dates for
28 August 4, 12, 17, and 24; June 15 and April 12, 2004. *See Hunt v. Check Recovery*

1 Sys., 178 F. Supp. 2d 1157, 1161 (N.D. Cal. 2007) (finding that “the legislative history
 2 and other court documents for [a California statute] constitute judicial facts sufficiently
 3 capable of accurate and ready determination and therefore takes judicial notice of
 4 them.”); *see also Palmer v. Stassinis*, 348 F. Supp. 2d 1070, 1077 (N.D. Cal. 2004)
 5 (“Certain materials extrinsic to the complaint may be considered if they are properly
 6 subject to judicial notice”).

7 Defendants submit this second request for judicial notice to respond to
 8 arguments made by Plaintiff in opposition to Defendants’ Motion to Dismiss which
 9 referenced the legislative history of S.B. 1325 without requesting that the Court take
 10 judicial notice of it. Thus the attached legislative history is submitted for the Court’s
 11 convenience should the Court be inclined to rule upon the parties’ legislative history
 12 arguments.

13 DATED: July 19, 2007

Respectfully submitted,

14 KAUFF McCLAIN & McGUIRE LLP

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 16 By: /S/
 17 MATTHEW P. VANDALL

18 Attorneys for Defendants
 19 ALTA BATES SUMMIT MEDICAL
 20 CENTER; RUSSELL D. STANTEN, M.D.,
 21 LEIGH I.G. IVERSON, M.D., STEVEN A.
 22 STANTEN, M.D., and WILLIAM M.
 23 ISENBERG, M.D., Ph.D.

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